

VINITA DAILY CHIEFTAIN.

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VINITA, OKLAHOMA, WEDNESDAY, NOVEMBER 16, 1910.

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PORTER SUIT FOR RENT IS HEARD

Case Involving Rent to Building After Stock Was Turned Over to Trustee Heard by Judge Frear.

The suit of Dr. H. L. Porter of Seneca, vs. New Vinita Hardware company, Mrs. F. A. Klinefelter and Charles O. Gibson, trustee, for unpaid balance on the rent of the store room, now occupied by Shanahan & Mitchell, was heard in the county court yesterday afternoon, and given to the jury about six o'clock. Preston S. Davis appeared for the defendant and Attorney Bennett, of Seneca and E. M. Probasco for Dr. Porter.

Mrs. Klinefelter, who had been conducting the New Vinita Hardware company up to the time of her assignment to Gibson for the benefit of creditors, claimed that she was not responsible for the rent of the store after the stock had been sold by the trustee.

The evidence showed that during the three months for which Dr. Porter is seeking to recover rent, Mrs. Klinefelter and the purchaser from the trustee kept the store locked up while they settled a dispute between themselves over the sale. Both had locks on the door, so that neither could enter except in company with the other. But Mrs. Klinefelter retained title to the fixtures and those remained in the store until it was finally vacated and turned over to Dr. Porter.

The jury was out all night.

This morning the jury in the case of J. K. Taylor vs. Lewis Rogers reported that they had not agreed. Judge Frear ordered the entire testimony in the case to be read over, and sent the jury out again. In an hour or so they come back with a verdict for the defendant, and were excused by the court until tomorrow morning.

Judge Frear returned to court this afternoon at 1:30 to see if the jury in the Porter-Klinefelter case had agreed. They were still locked up and still arguing.

LYNCHING AT MANFORD PROVES FALSE RUMOR

By Associated Press.

Tulsa, Okla., Nov. 16.—Excited passengers on a Frisco train, started the false report that a negro was lynched at Manford, a town twenty-five miles west of here, in a dispute over the weight of a bale of cotton, John Well and, a farmer was shot and killed by an unknown negro at Olive. The sheriff arrested Bud Hickerson on suspicion and started on the train with him to Manford. Convinced of his innocence they took him from the train and released him. The passengers said no doubt they took him off to lynch him.

Tulsa, Okla., Nov. 16.—Incoming passengers on the A. V. & W. train, which reached Tulsa at 8:40 o'clock last night, brought the news that an attempt had been made at Manford, Okla., to lynch a negro for the killing of a white man at Olive yesterday afternoon. As communication could not be established the full extent of the trouble could not be learned.

It is said that after killing the white man the negro fled from Olive, in Creek county, to Teriton, in Pawnee county, where he was captured by friends of the slain man. He was being returned to the scene of the killing on the train when an infuriated mob took possession of the negro at Manford and executed summary justice, it is said.

MILFORD-BERGER SHOE COMPANY.

Line of Sample Barker Brown Shoes Will Be On Sale In a Day or Two

MILFORD-BERGER SHOE COMPANY

Built Road in a Day.

Yesterday was set apart in Montgomery county, Kansas to build a model highway from Coffeyville to Independence. From early morning till late last night the citizens of that county worked upon the road. Today the road is finished and from all reports it is a credit to the enterprise of Montgomery county. The expense was borne by the citizens and was not paid out of the county fund.

TOTAL ECLIPSE OF MOON SCHEDULED FOR TONIGHT

This evening there will be a total eclipse of the moon. The eclipse begins at 5:44, eastern standard time and it will become total at 6:55, beginning its exit from the shadow at 7:47. The darkest or complete part of the eclipse will be at 7:21. Even then, however, it may not be totally invisible, but shine with a copper or greenish tinge, the brightest part being on the northern edge. This will be because of refracted rays of the sun being bent within the shadow.

There was an eclipse of the sun November 1, but invisible in this country because both the sun and the moon had set in this country before this eclipse had happened.

On Tuesday a magnificent display of myriad bluish meteors was visible in the early morning in the constellation Leo which will be found in the northern part of the heavens. This shower of celestial pyrotechnics, if it may be so termed, is the same that for centuries past has appeared in the regular cycles of thirty three years. In 1833 this occurrence was in its full force in the United States, especially in the south, and occasioned great consternation being spoken of by elderly people as "the stars falling." So great was the meteoric shower that many people thought the world was coming to an end. The display on Tuesday morning was not very extensive because the greater part had passed below the horizon by that time.

MASTERS HERE TO SOUND SENTIMENT ON NEW ROAD

It developed at the meeting of G. A. Masters with the members of the railroad committee of the Commercial Club yesterday afternoon that Mr. Masters was only here to sound the sentiment of Vinita relative to the proposition to build the Porter railroad into this city.

Mr. Masters did not announce his coming for the reason that he is not yet ready to make a public statement as to when his company will want to begin taking right-of-way before January 1. Before leaving he said he was much pleased by the progressive attitude shown by this city toward the building of this road.

Gross Revenue Tax Valid.

Guthrie, Okla., Nov. 16.—An opinion handed down today by Justice Williams of the supreme court, held the gross revenue tax valid and constitutional. This reverses the decision of the lower court.

ATTEMPT TO ADVANCE RATES THWARTED BY COMMISSION

By Associated Press.

Washington, D. C., Nov. 16.—The attempt of about fourteen railroads, operating between the Mississippi and Missouri rivers to resume the advances in rates already condemned from Washington, was thwarted today by the suspension of the order announced by the interstate commerce commission in the Burnham-Hana-Munger case, of Kansas City.

SYLLABUS OF DECISION IN CAPITAL LOCATION CASE

The following is the syllabus of the state court decision in the capital location case handed down Tuesday afternoon:

"(1) Oklahoma's enabling act (June 16, 1906) in part provides: The capital of said state shall temporarily be at the city of Guthrie in the present territory of Oklahoma and shall not be changed therefrom previous to annodomin Nineteen Hundred Thirteen."

"The terms and conditions of said act were adopted by ordinance irrevocable by the delegates elected pursuant thereto in constitutional convention assembled. Held in a suit to restrain state officers from in effect removing the capital from Guthrie prior to that time pursuant to the provisions of an initiated bill proclaimed by the governor to have been adopted by the electors of the state at the polls that said provision so adopted had the force and effect of law and is binding on the state unless repealed by said initiated bill."

"Since congress has no power to admit a state into the Union except on equal footing with the original state in accordance with the rights, powers and duties defined by the constitution, the admission of Oklahoma fixed her status and that of her people as that acquired by the other states of the federal union under the constitution anything in the enabling act to the contrary notwithstanding and conferred on such state the exclusive power to enact and repeal its own laws, provided the same enacted be not repugnant to the constitution of the state or of the United States."

"(3) Where in a suit to restrain certain state officers from removing any property pertaining to their several offices from the city of Guthrie and from doing any official act at any other place, on the ground that the initiated bill under which they were attempting to act had never been adopted by the people at the polls, it seemed to be within the contemplation of said bill, which, in effect provided, (1) for the permanent location of the capital of the state by election, (2) makes the place receiving a majority of the votes cast at that or a final election the permanent capital of the state, (3) declare three certain cities candidates for the permanent location of said capital and provides the form of ballot (4) authorizes any other city, town or place to become a candidate upon petition, etc., (5) prescribes the procedure for a second election in the event no candidate receives a majority of the votes cast at the first election, (6) creates a state capital commission to be appointed by the governor, (7) prescribes their tenure of office, salaries, etc., (8) makes said commission a body corporate with powers to sue and be sued, (9) empowers said commission to purchase land for the capital site and locate the state buildings, (10) authorizes the commission to exercise the power of eminent domain, (11) empowers said commission to select land belonging to the state for capital purposes and to cause the same to be appraised and paid for by the state, (12) authorizes said commission to plat and sell the lands thus acquired and create a building fund, (13) empowers said commission to employ engineers, architects and clerical help at the expense of the state and fix their compensation, (14) empowers said commission to enter into a contract for the construction of a capital building, subject to the approval of the legislature, (15) makes an appropriation of six hundred thousand dollars for the use of said commission; to submit to the electors of the state for their adoption or rejection at the polls, three questions, to-wit: "Shall it (the bill) be adopted;" "shall the capital be located," and "shall the capital of the state of Oklahoma be permanently located at?" (one of three certain cities, naming them); that said question, "shall it be adopted?" prescribed by the act of April 16, 1908, Sec. 10, was omitted from the ballot; held that said bill was not adopted, and hence failed to become a law; held further, that an affirmative vote upon the question submitted, "Shall the capital be located?" did not include an affirmative vote upon the implied question not submitted, "Shall it be adopted?" held also that as said officers were attempting to act without authority of law which, if permitted would involve an unlawful expenditure of the moneys of the state, it was not error for the trial court to grant the temporary injunction complained of."

Privy Council is Called.

By Associated Press.

London, England, Nov. 16.—King George summoned the privy council to meet today, presumably to obtain the advice of the councilers regarding his course in the matter giving Premier Asquith guarantees to increase the number of peers sufficiently to support the government in its policy of reforming the house of lords. This summons brought together the leaders of both parties.

PORTER ROAD HAS BEGUN CONDEMNING RIGHT-OF-WAY

Guthrie, Okla., Nov. 15.—The Cherryvale, Oklahoma and Texas company, known as the Stubbs-Porter road because it was first promoted by the present Governor of Kansas and State Senator Porter of Caney, has recently started condemnation proceedings in the district court at Bartlesville for right of way through Washington county and has filed also there a mortgage for \$20,000,000 in favor of the Carnegie Trust company. Two Oklahoma branches of the road are provided in the charter, one southeast through the state to Siloam Springs, Ark., the other southwest to Geary in Blaine county. Arnett in Ellis county and Taloga in Dewey county, two of the western Oklahoma county seats that are without railroad facilities, are expecting an immediate realization of their hopes for a road through the building of the Mountain, Valley and Plains railway. Financial arrangements for the building of the line eastward from Cimarron N. M., to Guthrie have been made and it is understood contracts will be let in the near future.

Stockholders of the proposed Osage and Western railroad have, during the past week, bought in the property of that company, which was to have been sold at Billings to satisfy judgments against it for debts. The understanding is that the work of construction will now be resumed, the line to be built as a Katy extension through the Osage Indian country to Billings and Enid.

Oscar Ayres of Chickasha, president of the Chickasha, Ardmore and Lawton company, announces that he has made financial arrangements to guarantee the building of the entire 180-mile road westward from Ardmore.

Continued to Feed Corn.

William Shies was arrested yesterday by Deputy Clark, on a charge of larceny, lodged against him by J. W. Thurman, of Westville. It is claimed by the prosecution that Shies, who lives about eight miles west of Vinita, had mortgaged his crop to Thurman, and that the crop had been sold under the mortgage November 1st, but that Shies continued to feed the corn to his stock, after Thurman had bought it in. Shies was arraigned before Justice of the Peace Meredith and gave bond to appear for trial November 22.

May Not Call Session, By Associated Press.

Guthrie, Okla., Nov. 16.—Great pressure is being brought to bear upon Governor Haskell in an effort to induce him not to call a special session of the legislature to take action on the capital location question. The indications are that the matter will go over until the regular session of the legislature in January.

UNDER MAYOR'S DIRECTION LIGHT POLES ARE CUT

Clay Center, Kans., Nov. 16.—Under the direction of Mayor Hana of this city, ten men, lead by City Clerk Guy Martin, today cut down the poles and severed the main cables of the local electric light company in an effort to destroy the service of the company. Litigation growing out of differences between the city administration and the company is now pending in the court.

BURGLARS AGAIN BUSY AMONG VINITA MERCHANTS

Burns' Grocery and Pegues Drug Store were entered last night by an unknown thief. Burns lost only a few nickels and dimes, but about \$15 were taken from Pegues' cash drawer.

Mr. Pegues left his store and locked up for a few minutes about nine o'clock last night and went out to the restaurant for a bite to eat. When he came back, the mischief had been done. The back door was locked and the key, which had been in the lock was missing. The key was found in the yard this morning.

It was at first supposed that someone stole the key from the inside of the door; and then, keeping watch on Mr. Pegues, entered when the coast was clear. But this morning a broken window was discovered in the back of the store. There is nothing to indicate whether the thief entered by the window when he got the money, or came back again during the night. If he came the second time he had his labor for his pains.

The Burns' store was entered by a window in the rear which had been left unfastened.

There are no clues to the perpetrator of the two crimes.

Mode-Thompson Wedding.

Talbert H. Thompson and Miss Maud M. Mode, both of Grove, were married at the Cobb Hotel last evening by Rev. A. J. Williams. The ceremony was followed by an informal reception in the hotel parlors. Mr. and Mrs. Thompson left last night for Dallas, Tex. Mr. Thompson is the cashier of the Bank of Grove.

The bride was formerly a Vinita girl, being the daughter of the late Isaac Mode, who resided here for a number of years. She has a large number of friends who wish her much joy in her new sphere.

STANDARD AIDED BY COURT RULING

Attempt to Have Penalties Aggregating \$30,000,000 Affixed is Destroyed by Decision of Judge McCall.

Jackson, Tenn., Nov. 16.—The indictment of the United States against the Standard Oil company of Indiana, so-called Grand Junction concession charge, by which it is sought to have the assessed penalties aggregating thirty million dollars, stands shorn of its magnitude.

The prosecution met with reverses in the ruling of Judge John McCall in the United States circuit court yesterday as to a point of law which in one sweep dwarfed the monetary feature of the issue by twenty-nine millions and in general played havoc with the bill of charges set up by the government.

In effect was the ruling of Judge McCall that within the meaning of the Elkins law governing the interstate commerce statutes which forms the basis for suit, a settlement and not individual shipment would constitute offense.

In the indictment returned, it is charged that the Indiana corporation committed fifteen hundred offenses, basing each of the counts on a shipment from the company's refinery at Whiting, Ind., to points in the southeast, through Grand Junction, Tenn.

The evidence presented was declared admissible and shows only forty six settlements of all monthly transactions between the Standard Oil company and the carriers named in the bill within the years covered.

Hence, should the defendant company be found guilty on the charges now standing, the maximum penalty possible to assess will be nine hundred thousand dollars.

Kansas Postoffice is Raided.

By Associated Press.

Wellington, Kans., Nov. 16.—The post office safe at Portland, fifteen miles south of here, was blown open this morning and two hundred dollars in stamps and twenty dollars in cash taken. The robbers escaped into Oklahoma in buggies.

HUTCHINSON TO LEAVE STATE GEOLOGICAL SURVEY

The announcement was made today that L. L. Hutchinson, for the past two years assistant director of the Oklahoma geological survey, is no longer connected with that bureau. Mr. L. C. Snider, chemist of the survey, has been advanced to the position of assistant director, and Mr. Frank Buttrum, a graduate of the state university, has been appointed chemist to succeed Mr. Snider.

LOOK THE TOWN OVER FOR YOUR CLEVER CLOTHES!

Go to every shop and look at their best. Then come here and look at our best. Learn what positive style is what it can be when it comes from the New York and Chicago Tailor Shops. It is seldom we have had such clever styles to offer and we want every man to come and see them as often as he can. Familiarity will not breed contempt in this case---it's more likely to create a desire to possess.

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The Exclusive Clothiers